

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 5 and 11 are cancelled. Claims 1, 7 and 13 are amended. Claims 1-4, 6-10 and 12-14 are pending.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because: the amendments were not earlier presented because the Applicant believed in good faith that the cited references did not disclose the present invention as previously claimed; and the amendment does not significantly alter the scope of the claim and places the application at least into a better form for purposes of appeal.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that “any amendment that would place the case either in condition for allowance or in better form for appeal may be entered.” Moreover, Section 714.13 sets forth that “the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.” The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

I. Rejection under 35 U.S.C. § 102

In the Office Action, at page 5, numbered paragraph 3, claims 1-5, 7-11 and 13 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 7,113,298 to Mochizuki. This rejection is respectfully traversed because Mochizuki does not discuss or suggest:

receiving identification numbers of each of the printers, the
received identification numbers of each of the printers being
registration numbers of printer ports of each of the printers;

receiving a network address of a selected printer corresponding to
a predetermined identification number from among the received
identification numbers,

as recited in amended independent claim 1.

Mochizuki discusses that the host may issue a single printer retrieval packet to a plurality of printers, the printer retrieval packet specifying a particular port number. Then the printers send a response packet to the host, including the printer IP address and the port number. The host then issues a print request packet, which includes a specific printer IP address and port

number. The printers determine whether the printer IP address and port number are the same printer IP address and port number set in the transmitted response packet to determine whether the host has selected that printer for use in the print. If the printer IP address and port number are the same, that printer sends another response packet to the host to indicate that the printer is ready for print processing. Mochizuki discusses that, in the response packet to the print request packet, the printer ID such as the printer name is set for specifying the printer, and the host is able to display which printer is performing the printing operation.

First, the printer IP address and the port number sent in the response packet from the printer or in the print request packet from the host, after the host has received the first response packets from the multiple printers, are not identification numbers of each of the printers. The port number is not an identification number of a printer, as the port number is an identification of the port itself. As discussed in paragraph 0014 of the present specification, an identification number is an independent sign which is permanent and identifies each of the printers, for example, a printer manufacturer serial number.

Second, the printer ID, which is sent in the last response packet (in additional information 88), is not an identification number of a printer, such that a network address of a printer corresponding to the printer ID from among received printer IDs is able to be received after the printer ID has been received. In particular, Mochizuki does not suggest that the first response packets that are sent from the multiple printers, after the host has sent the printer retrieval packet, include printer IDs. Mochizuki discusses only that the printer IDs are sent in the second response packet after the host has selected a specific printer to conduct the printing operation. The printer IDs are identified as being sent only in the additional information 88 of the response packet of Fig. 12 in Mochizuki. The printer IDs are not identified as being sent in the response packet of Fig. 10 (in response to the printer retrieval packet) and Mochizuki does not assert that the printer IDs correspond with a network address, where the network address corresponds to a printer ID from among received printer IDs. Mochizuki does not suggest that the printer IP addresses which are sent before the printer ID is transmitted (in the last response packet) correspond with a predetermined printer ID from among received printer IDs, particularly because the printer ID is transmitted only after the printer IP address has already been transmitted to the host.

Additionally, neither the port number nor the printer ID of Mochizuki are identification numbers that are registration numbers of a printer port of each of the printers. The identification numbers of the present invention are, for example, printer serial numbers. The identification

numbers are distinct from the printer port numbers and are registration numbers of the printer port of each of the printers. Thus, Mochizuki does not suggest that the port numbers are registration numbers of printer ports. Further, Mochizuki does not suggest that the printer IDs are used so that a network address is received, which corresponds to the printer ID. The printer IDs are only transmitted in the final response packet so that the printer name may be displayed in a GUI on the user interface.

Further, Mochizuki specifically recites that “it will suffice on the host 10 to define only the single abstract port 30 as the printer, without any need to set printer information on the actual destination in the definitions of the port 30. As a result of this, the application 16 can see only the printer in the form of the port 30... [emphasis added].” Thus, Mochizuki does not suggest that the printer ID, for example, is necessary for the application of the method of Mochizuki because the application only sees the printer in the form of the port 30.

In contrast, as discussed in paragraphs 0004 and 0005 of the present specification, the present invention of claim 1, for example, includes an identification number of a printer that is provided as registration information of a printer port, instead of a network address being provided as registration information of the printer port. This is done because when the network address of the network printer is changed after the printer port is set, the network address stored in the computer is different from the network address of the network printer. Thus, when the user requests a printing process, the computer transmits print data to the network address corresponding to the previously set printer port, and print data cannot be transmitted to a corresponding network printer. In the present invention of claim 1, for example, because the printer identification number is the registration information of the printer port, even if the network address is changed after the printer port is set, the print data can still be transmitted to the corresponding network printer.

Therefore, as Mochizuki does not discuss or suggest “receiving identification numbers of each of the printers, the received identification numbers of each of the printers being registration numbers of printer ports of each of the printers; [and] receiving a network address of a selected printer corresponding to a predetermined identification number from among the received identification numbers,” as recited in amended independent claim 1, claim 1 patentably distinguishes over the reference relied upon. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

Further, Mochizuki does not discuss or suggest “a port setting portion which requests the printers to transmit identification numbers of each of the printers in response to a printer port set

request and which stores the received identification numbers, the identification numbers of each of the printers being registration numbers of printer ports of each of the printers; an identification number transmitting portion which transmits the requested identification numbers; a request signal generating portion which generates an address request signal requesting a network address of a specific printer among the printers having sent the identification numbers in response to a print request and which outputs the generated address request signal," as recited in amended independent claim 7. Therefore, claim 7 patentably distinguishes over the reference relied upon. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

Also, Mochizuki does not discuss or suggest "determining a corresponding printer by generating an address request signal which includes specifying identification information of the printer, transmitting the address requesting signal to printers connected to the network, checking whether the specifying identification information matches printer identification information of a printer connected to the network, a printer having printer identification information which matches the specifying identification information being the corresponding printer...wherein the identification information of the printer is a registration number of a printer port of the printer," as recited in amended independent claim 13. Therefore, claim 13 patentably distinguishes over the reference relied upon. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

Claims 5 and 11 are cancelled. Claims 2-4, 8, 9, 11 and 13 depend either directly or indirectly from independent claims 1, 7 and 13 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 4 recites that "in the determining, each printer compares the predetermined identification number included in the transmitted address request signal to its own identification number." Therefore, claims 2-4, 8, 9, 11 and 13 patentably distinguish over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of the §102(e) rejection is respectfully requested.

II. Rejection under 35 U.S.C. § 103

In the Office Action, at page 9, numbered paragraph 6, claims 6 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mochizuki in view of U.S. Patent 6,839,717 to Motoyama. This rejection is respectfully traversed.

Mochizuki does not suggest all the features of independent claims 1 and 7, from which claims 6 and 12 ultimately depend. Further, while Motoyama discusses a data structure storing configuration information, such as the serial number of the network printer, the Office Action

does not suggest how or why one of ordinary skill in the art would utilize knowing the serial number of the printer with receiving a network address corresponding to such a printer serial number. The Office Action discusses only providing a flexible, quick and easy way to determine or identify a device for communication. However, while this motivation establishes why one of ordinary skill in the art would want to know the printer serial number, the cited motivation does not suggest why a printer serial number would be used to correspond to a network address of a selected printer. In contrast, the present specification at paragraph 0004 articulates that the printer serial number would be used as the identification number, distinct from the network address, so that if the network address of the printer is changed, the user does not need to reset the printer port. Therefore, claims 6 and 12 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the §103(a) rejection is respectfully requested.

Conclusion

In accordance with the foregoing, claims 5 and 11 have been cancelled. Claims 1, 7 and 13 are amended. Claims 1-4, 6-10 and 12-14 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: October 24, 2008

By: Gregory W. Harper
Gregory W. Harper
Registration No. 55,248

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501